

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

**NATHANIEL WITSCHONKE,
BRANDON BASHAM, and BEN
BYNUM,**

Plaintiff,

v.

**COLETTE DIEDE, formerly
d/b/a 6-PAQ SCUBA,**

Defendants.

Case No. 16-CV-56

COMPLAINT FOR DAMAGES

PROPOSED STIPULATED SCHEDULING ORDER

Plaintiffs and Defendant, through their respective counsel, hereby stipulate the following:

1. The parties will disclose information and documents pursuant to Rule 26(a)(1) by September 2, 2016, and shall supplement such disclosures as necessary.
2. The parties shall commence mediation by January 31, 2017, or earlier as agreed.
3. The parties shall join any additional parties and complete amendments to the pleadings by October 31, 2016.
4. All fact discovery, including depositions and medical examinations, shall be completed by December 31, 2016. The presumptive limits of ten depositions per side and twenty-five interrogatories per party shall apply.
5. The parties agree that they shall preserve and produce any relevant and material ESI through discovery. The parties further agree to abide by the provisions of Fed.R.Evid.502 regarding disclosure of privileged information or work product.
6. The parties agree that in the event of an irreconcilable discovery dispute they shall mutually arrange a telephone conference with the Magistrate as a prerequisite to motion practice.
7. The plaintiff shall identify any expert witnesses and provide any expert reports and other information required by Federal Rule of Civil Procedure 26(a)(2) produced, on or before February 28, 2017.
8. The defendant shall identify any experts, and produce the required materials related thereto, on or before March 31, 2017.
9. All expert discovery shall be completed by April 30, 2017.
10. The parties shall file dispositive motions and all motion to exclude or to limit expert testimony no later than May 30, 2017.

11. The parties shall file a trial brief or memorandum pursuant to Local Rule 16.1(c) no later than **(as ordered by the Court)**.
12. The case should be ready for trial by **(as ordered by the Court)**.
13. The final pretrial conference in this matter shall begin promptly at _____ a.m. on _____.
14. The trial of this matter is scheduled to begin promptly at _____ a.m. on _____. The trial period extends from _____ to _____. To the extent that there are conflicts, the trial date may change to any date within this period. All parties, witnesses and counsel should arrange their schedules accordingly. Trial is reasonably expected to last three days.
15. A status conference is scheduled for _____ at _____ a.m.

LAW OFFICES OF DUENSING & CASNER

DATED: August 25__, 2016

By: /s/Matthew J. Duensing
Matthew J. Duensing
9800 Buccaneer Mall, Bldg. 2, Suite 9
P.O. Box 6785
St. Thomas, U.S. Virgin Islands 00804
Attorney for Defendant

By: /s/Rafael F. Muilenburg
Rafael F. Muilenburg, Esq.
P.O. Box 1360
St. John, VI 00831
Attorney for Plaintiffs

By: /s/Peter James Lynch
Peter James Lynch, Esq.
Lynch Law Office
P.O. Box 308351
St. Thomas, VI 00803
Attorney for Plaintiffs

SO ORDERED this _____ day of _____, 2016.

The Honorable Ruth Miller
U.S. Magistrate Judge

ATTEST:
GLENDA L. LAKE, ESQ.
Clerk of the Court
